

Domenica Campagna of 59 Jefferson Avenue was present. She expressed concerns about the dead trees and other debris located on the property, believing it to be a fire hazard. She also spoke of a

bat and rodent control issue on the property. Her daughter, Stefania Campagna, was unable to attend, but sent a letter addressing the same concerns.

Clayton Purdy of 165 Niagara Street was also present. He remarked about the length of time a construction trailer has been on the property.

Ms. Harris questioned whether it was appropriate to address the fire hazard or rodent concerns at this meeting. Mr. Brown explained that the discussion should include anything that is impacted by the variance requested.

Ms. Pownall-Carlson explained that the construction trailer contains siding and other building materials that are being used for the renovation to turn the property into a two-family residence. Mr. Brown clarified that when there is an open building permit, it is permissible to have a construction trailer on site. Ms. Pownall-Carlson stated that she plans have it removed as soon as the renovations are complete.

Mr. Brown clarified that the addition proposed is solely on the west side of the property and is no closer to the rear property line than the current back wall of the house. That wall is already non-conforming.

Chairman Akin asked if there was anyone else wishing to speak. Hearing no one, he closed the Public Hearing.

The board proceeded with questions to the applicant. Chairman Akin reminded the board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Hitchcock confirmed that there are only railroad tracks in the rear of the building. There is nothing else back there that would be encroached upon. Ms. Pownall-Carlson commented that the area around the railroad tracks is not well maintained, so she has voluntarily been working to clean the debris herself.

Mr. Bader feels the proposed addition fits with the character of the building.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Chairman Akin stated if the main reason for the variance was to have a second entrance to the building, then a door and steps could be added, however, this would also require a variance. Mr. Brown confirmed the entire building is within the setback.

Regarding question #3: *Show that the requested variance is not substantial.*

Mr. Davern believes that relative to the size of the building, the variance is not substantial.

Mr. Bader feels that due to the existing structure already being within the setback, this addition is not a substantial increase.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Bader commented that the addition would be new construction, not a renovation, so would not have a negative impact on the issue of bats and rodents.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Mr. Davern inquired about the second entrance on the originally approved design to convert the structure into a two-family residence on the existing footprint. Ms. Pownall-Carlson explained that she has encountered unforeseen difficulties in designing the staircase needed to access the second floor. The only way she could see to utilize the space correctly, was to design the staircase to come out slightly from the original footprint. This proposed new addition also provides a new location for a second entrance.

Mr. Davern also asked if the Railroad had any opposition regarding the proposed variance. Chairman Akin said they were notified, but have not expressed any concerns.

Chairman Akin asked if there were any other comments or questions. Hearing none, he called for a motion.

Ms. Haller moved for approval of the application, finding that the benefit of the variance to the applicant outweighs the detriment of the variance to the neighborhood. He made this motion stating the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2. The benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.
- #3. The variance is not substantial.

Mr. Bader seconded the motion, which **carried** with a roll call vote of (7-0):

Joseph Bader	Voting	YES
James Davern	Voting	YES
Julie Harris	Voting	YES
Carol Henshaw	Voting	YES
Susan Haller	Voting	YES
James Hitchcock	Voting	YES
Ryan Akin	Voting	YES

**ITEM 2**      **Application #19-317: 61 Foster Street, DAVID LANE, requesting an Area Variance necessary to construct an accessibility ramp within 3 inches of the front property line. In accordance with Zoning Schedule 1 of the Zoning Ordinance of the City of Canandaigua, open porches must be set back 10 feet from the front property line.**

David Lane represented the application. He owns this rental property at 61 Foster Street. His tenant is a disabled veteran who took a fall earlier this year. He has been in rehabilitation at the Canandaigua V.A. Medical Center. The V.A. has requested for a handicap access ramp to be installed to allow him access to the entrance.

Chairman Akin opened the public hearing and asked if there was anyone else present who wished to speak to the application. Seeing no one, he closed the Public Hearing.

The board proceeded with questions to the applicant. Chairman Akin reminded the board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Bader believes the ramp will not necessarily look good, but the purpose is understood and this is the best possible design, under the circumstances.

Chairman Akin noted that the houses on that street have varied setbacks, therefore, any change to the character of the neighborhood would be minimal.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Mr. Hitchcock asked if there is another entrance to the home where the ramp could be installed. Mr. Lane explained that there is a back entrance, however, it would require a much lengthier run and would be considerably more expensive.

Chairman Akin noted that to install a ramp straight in from the side walk, would be too steep and would still require a variance.

Regarding question #3: *Show that the requested variance is not substantial.*

Mr. Bader believes the request is substantial. Ms. Haller agrees.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Ms. Haller asked about the distance from the sidewalk. Mr. Lane explained that the ramp would be approximately 2 feet from the sidewalk, however, the sidewalk is not on the property line.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Mr. Bader noted that Mr. Lane is providing for the need of his tenant; it is not self-created. Ms. Haller agrees.

Chairman Akin asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Bader moved for **approval** of the application, finding that the benefit of the variance to the applicant outweighs the detriment of the variance to the neighborhood. He made this motion stating the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2. The benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.
- #4. The proposed variance will not have an adverse impact on the environmental conditions in the neighborhood.
- #5. The hardship is not self-created.

Mr. Hitchcock seconded the motion, which ***carried*** with a roll call vote of (7-0):

Joseph Bader	Voting	YES
James Davern	Voting	YES
Julie Harris	Voting	YES
Carol Henshaw	Voting	YES
Susan Haller	Voting	YES
James Hitchcock	Voting	YES
Ryan Akin	Voting	YES

### **MISCELLANEOUS**

Mr. Brown reminded Ms. Harris and Mr. Bader that their partial terms will expire and they will each be eligible for renewal of a 3-year term in January 2020.

### **ADJOURNMENT:**

Mr. Bader moved to adjourn the meeting at 7:35 P.M., seconded by Mr. Hitchcock and carried by unanimous voice vote (7-0).

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Richard E. Brown, Secretary

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Ryan Akin, Chairman